

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NUMBER: 94-AO-2
CITY-COUNTY COUNCIL GENERAL
ORDINANCE NUMBER: G.O. 58, 1994

Airport Special Use District Zoning
Ordinance
Original: 61-AO-4

Airspace District Zoning Ordinance
Original: 62-AO-2
Amending: 63-AO-3
72-AO-1
81-AO-5
94-AO-2 (G.O. 58, 1994)

AIRPORT ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

A PART OF THE CODE OF INDIANAPOLIS
AND MARION COUNTY
VOLUME III, APPENDIX D)

(COMBINING THE AIRPORT SPECIAL USE DISTRICT
ZONING ORDINANCE AND THE AIRSPACE DISTRICT
ZONING ORDINANCE)

ADOPTED BY:

THE METROPOLITAN
DEVELOPMENT COMMISSION: March 16, 1994

CITY-COUNTY COUNCIL: April 25, 1994

Department of Metropolitan Development
Neighborhood and Development Services Division

BE IT ORDAINED BY
THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS
AND OF
MARION COUNTY, INDIANA AS FOLLOWS:

SECTION 1. The Airport Special Use Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 61-AO-4 is hereby repealed.

SECTION 2. The language of the Airport Special Use Zoning Ordinance be combined into The Airspace District Zoning Ordinance, and retitled as The Airport Zoning Ordinance.

SECTION 3. The Airspace District Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 62-AO-2, 63-AO-3 and 72-AO-1, as amended, pursuant to IC 36-7-4, be further amended by deleting the crosshatched language and inserting the underscored language as follows:*

* Editorial Note: Language changes have been made, as adopted by the City-County Council, for this printed version.

AIRPORT ZONING ORDINANCE

OF

MARION COUNTY

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CHAPTER I

AIRPORT SPECIAL USE DISTRICT

SECTION 1.00 ESTABLISHMENT OF AIRPORT SPECIAL USE DISTRICT

AIRPORT SPECIAL USE DISTRICT, which primary zoning district shall permit the following uses:

PUBLIC AIRPORTS municipally owned or operated, including all necessary navigation and flight operation facilities, and accessory uses including, but not limited to, terminal, storage and servicing facilities for airplanes or other aircraft, air research laboratories and other accessory uses directly related to the operation of such airport and an integral part thereof, including but not limited to, transportation, restaurant, hotel or motel facilities and similar related services for the comfort and accommodation of air passengers and the public; subject to the requirements of Section 1.01.

SECTION 1.01 AIRPORT SPECIAL USE DISTRICT REGULATIONS

1. No use permitted in the AIRPORT SPECIAL USE DISTRICT shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Provided, however, that compliance by such public airport with all applicable safety and operational standards and regulations of the Federal Aviation Agency and other applicable Federal aviation regulatory authorities shall be deemed compliance with this sub-section's requirements, as applied to navigation and flight operational uses.
2. All uses within the AIRPORT SPECIAL USE DISTRICT shall be served by and have access only from interior access roads located within said DISTRICT to carry vehicular traffic to and from major entrances and exits serving the airport, and designated and constructed in accordance with street standards as specified by the "Standard Specification", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Transportation (IDOT) Standards for Street and Bridge Design and Construction. In the event DOT specifications conflict with the Indiana Department of Transportation Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the Indiana Department of Transportation (IDOT) are incorporated into this ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Neighborhood and Development Services Division.
3. For each use permitted within the AIRPORT SPECIAL USE DISTRICT, adequate off-street parking area with concrete or bituminous paved surface shall be provided. Such parking area shall not be located within one hundred (100) feet of any boundary of the AIRPORT SPECIAL USE DISTRICT, unless a compact hedge or row of shrubbery of at least four (4) feet in height is provided between such parking area and District Boundary. In no case shall such parking area be located closer to a District boundary than ten (10) feet.

(Section 1.01 Airport Special Use District Regulations)
(Section 1.02 Zoning Map Designation)

4. No building or structure, or part thereof, shall be located within one hundred (100) feet of any boundary of the AIRPORT SPECIAL USE DISTRICT, and such one hundred (100) foot buffer area shall be maintained in turf, plant material or as off-street parking area, as provided in sub-section (3) above.
5. Prior to Improvement Location Permit issuance for any building or structure within the AIRPORT SPECIAL USE DISTRICT, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, shall be filed with the Department of Metropolitan Development or Marion County, Indiana.

SECTION 1.02 ZONING MAPS DESIGNATION

BE IT FURTHER ORDAINED that all land within said district shall be designated upon the applicable zoning maps (adopted as a part of said zoning ordinances and Ordinance No. 8-1957) by the symbol "A" superimposed in the approximate geographic center of such district, the boundaries of which district to be designated and outlined.

CHAPTER II

AIRSPACE DISTRICT

SECTION 2.00 AIRSPACE DISTRICT

An AIRSPACE DISTRICT, a secondary zoning district, is hereby established for Marion County, Indiana, and land within Marion County, Indiana, as designated on the AIRSPACE DISTRICT ZONING MAP (Which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance) is hereby zoned and classified as the AIRSPACE DISTRICT. The AIRSPACE DISTRICT shall consist of Airport Instrument and Non-Instrument Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas and Conical Surface Areas, Heliport Approach Surface Areas and Heliport Transitional Surface Areas as defined in this ordinance and indicated on the AIRSPACE DISTRICT ZONING MAP.

SECTION 2.01 AIRSPACE DISTRICT REGULATIONS

The following regulations shall apply to all land within the AIRSPACE DISTRICT. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to said land, in case of conflict, the more restrictive regulations shall control.

A. USE

1. Prohibited Uses-Airport

Within that part of the Airport Instrument and Airport Non-Instrument Approach Surface Areas and Airport Transitional Surface Areas of the AIRSPACE DISTRICT ZONING MAP, which extent within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended centerline of said runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

2. Prohibited uses-Heliport

Within that part of the Heliport Surface Areas and Heliport Transitional Surface Areas of the AIRSPACE DISTRICT, as defined in this ordinance and designated on the AIRSPACE DISTRICT ZONING MAP, which extend four thousand (4,000) feet from the designated land and take-off area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

B. HEIGHT LIMITS-AIRPORTS

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the AIRSPACE DISTRICT to a height in excess of the following height limits herein established for the applicable Airport Instrument Approach Surface Area, Airport Non-Instrument Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined in this ordinance and designated on the AIRSPACE DISTRICT ZONING MAP. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the AIRSPACE DISTRICT ZONING MAP).

1. Height limits for the Airport Instrument Approach Surface Area shall be:

One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of

(Section 2.01 Airspace District Regulations)

ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

2. Height limits for the Airport Non-Instrument Approach Surface Area shall be:

One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.

3. Height limits for the Airport Transitional Surface Area shall be:

One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of non-instrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the AIRSPACE DISTRICT ZONING MAP; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all Instrument and Non-Instrument Approach Surface Areas for the entire length of said Approach Surface Areas, extending to their intersection with the outer line of the Conical Surface Area; and, beyond said points of intersection, beginning at the outer lines of all Instrument Approach Surface Areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.

4. Height limit for the Airport Horizontal Surface Area shall be:

One hundred fifty (150) feet above the established airport elevation as indicated on the AIRSPACE DISTRICT ZONING MAP.

5. Height limit for the Airport Conical Surface Area shall be:

One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the Horizontal Surface Area and measured perpendicularly to the periphery of the Horizontal Surface Area to a height of three hundred fifty (350) feet above the airport elevation.

(Section 2.01 Airspace District Regulations)

Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

C. HEIGHT LIMITS-HELIPORTS

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the AIRSPACE DISTRICT to a height in excess of the following height limits herein established for the applicable Heliport Approach Surface Area and Heliport Transitional Surface Area, as defined in this ordinance and designated on the AIRSPACE DISTRICT ZONING MAP. (Such height limits shall be computed from the applicable heliport landings and take-off area elevation as designated on the AIRSPACE DISTRICT ZONING MAP).

1. Height limit for the Heliport Approach Surface Area shall be:

One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated take-off and landing area of the heliport) with the same width as the primary surface and extending outward and upward from a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.

2. Height limit for the Heliport Transitional Surface Area shall be:

One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the centerline of the primary and approach surfaces.

Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

D. PERFORMANCE STANDARDS

The following performance standards shall apply to all land within the perimeter of the Airport Conical Surface Area and Heliport Transitional Surface area as defined in this ordinance and indicated on the AIRSPACE DISTRICT ZONING MAP.

(Section 2.01 Airspace District Regulations)

(Section 2.02 Construction of Language and Definitions)

1. INTERFACE WITH COMMUNICATIONS No use shall create interface with any form of communication the primary purpose of which is for air navigation.
2. GLARE; MARKING AND LIGHTING OF AIRSPACE HAZARDS
 - a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering or aircraft.
 - b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in their ordinance, shall be permitted.
3. SMOKE, DUST, PARTICULATE MATTER
 - a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 4 of the Code of Indianapolis, Marion County, Indiana and Regulations adopted pursuant thereto (a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).
 - b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of Aircraft.

SECTION 2.02 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.

3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. DEFINITIONS

1. **AIRSPACE HAZARD** Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight or aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace", "airport" or "heliport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.
2. **AIRPORT CONICAL SURFACE AREA** The land are designated as "Airport Conical Surface Area", on the AIRSPACE DISTRICT ZONING MAP, beginning at the periphery of the Horizontal Surface Area and thence extending outwardly a distance of four thousand (4,000) feet - said Conical Surface Area not including, however, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface area.

(Section 2.02 Construction of Language and Definitions)

3. AIRPORT HORIZONTAL SURFACE AREA

The land area designated as "Airport Horizontal Surface Area", on the AIRSPACE DISTRICT ZONING MAP, the perimeter of which is determined by projecting arcs from the center of the inner line of each Instrument and Non-Instrument Approach Surface Area (the dimension of said arcs for Instrument Approach Surface Areas being ten thousand [10,000] feet and for Non-Instrument approach connecting adjacent arcs by lines tangent thereto - not including, however, as a part of the Horizontal Surface Area, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface Area).
4. AIRPORT INSTRUMENT APPROACH SURFACE AREA

The land area designated as "Airport Instrument Approach Surface Area" on the AIRSPACE DISTRICT ZONING MAP, located at each end of each instrument runway for landings and take-offs - said Surface Area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.
5. AIRPORT NON-INSTRUMENT APPROACH SURFACE AREA

The land area designated as "Airport Non-Instrument Approach Surface Area" on the AIRSPACE DISTRICT ZONING MAP, located at each end of each non-instrument runway for non-instrument landings and take-offs - said Surface Area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.
6. AIRPORT LANDING AREA

The area of the Airport used for the land take-off or taxiing of aircraft.

(Section 2.02 Construction of Language and Definitions)

7. **AIRPORT TRANSITIONAL SURFACE AREA**

The land area designated as "airport Transitional Surface Area" on the AIRSPACE DISTRICT ZONING MAP, located adjacent to each instrument and non-instrument runway - said Surface Area extending outward as indicated on the AIRSPACE DISTRICT ZONING MAP from a line two hundred fifty (250) feet on either side of the centerline of a non-instrument runway, for the length of such runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area, and from a line five hundred (500) feet of either side of the centerline of an instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area; further symmetrically located adjacent to each Instrument and Non-Instrument Runway Approach Surface Area, on each side thereof, having variable widths, as indicated on the AIRSPACE DISTRICT ZONING MAP, and extending the entire length of said Approach Surface Areas to their intersection with the outline of the Conical Surface Area; and further located beyond said points of intersection, beginning at the out lines of all Instrument Approach Surface Areas and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the AIRSPACE DISTRICT ZONING MAP.
8. **HELIPORT APPROACH SURFACE AREA**

The land are designated as "Heliport Approach Surface Area" on the AIRSPACE DISTRICT ZONING MAP, located at the edge of the heliport landing and take-off area - and widening thereafter uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the landing and take-off area.
9. **HELIPORT LANDING AND TAKE-OFF AREA**

The area of the heliport used for the landing and take-off of helicopters.
10. **HELIPORT PRIMARY SURFACE AREA**

That area coinciding in size and shape with the Heliport Landing Take-off area.
11. **HELIPORT TRANSITIONAL SURFACE AREA**

The land area designated as Transitional Surface Area on the AIRSPACE DISTRICT ZONING MAP, located adjacent to the heliport primary surface - said surface extends outward perpendicular to the centerline of the primary and approach surfaces for a horizontal distance of two hundred and fifty (250) feet.

(Section 2.02 Construction of Language and Definitions)

(Section 3.00 Severability)

- | | |
|-----------------------------------|--|
| 12. INSTRUMENT
RUNWAY | A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions. |
| 13. NON-INSTRUMENT
RUNWAY | A runway other than an instrument runway. |
| 14. PUBLIC AIRPORT
OR HELIPORT | An airport or heliport publicly owned or operated, designated as a "Public Airport" or "Public Heliport" on the AIRSPACE DISTRICT ZONING MAP, for which an Airspace District is established by this ordinance. |
| 15. RUNWAY | The surface of the airport used for landing and taking off of aircraft. |
| 16. STRUCTURE | An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines. |

CHAPTER III

SEVERABILITY

Section 3.00 SEVERABILITY

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

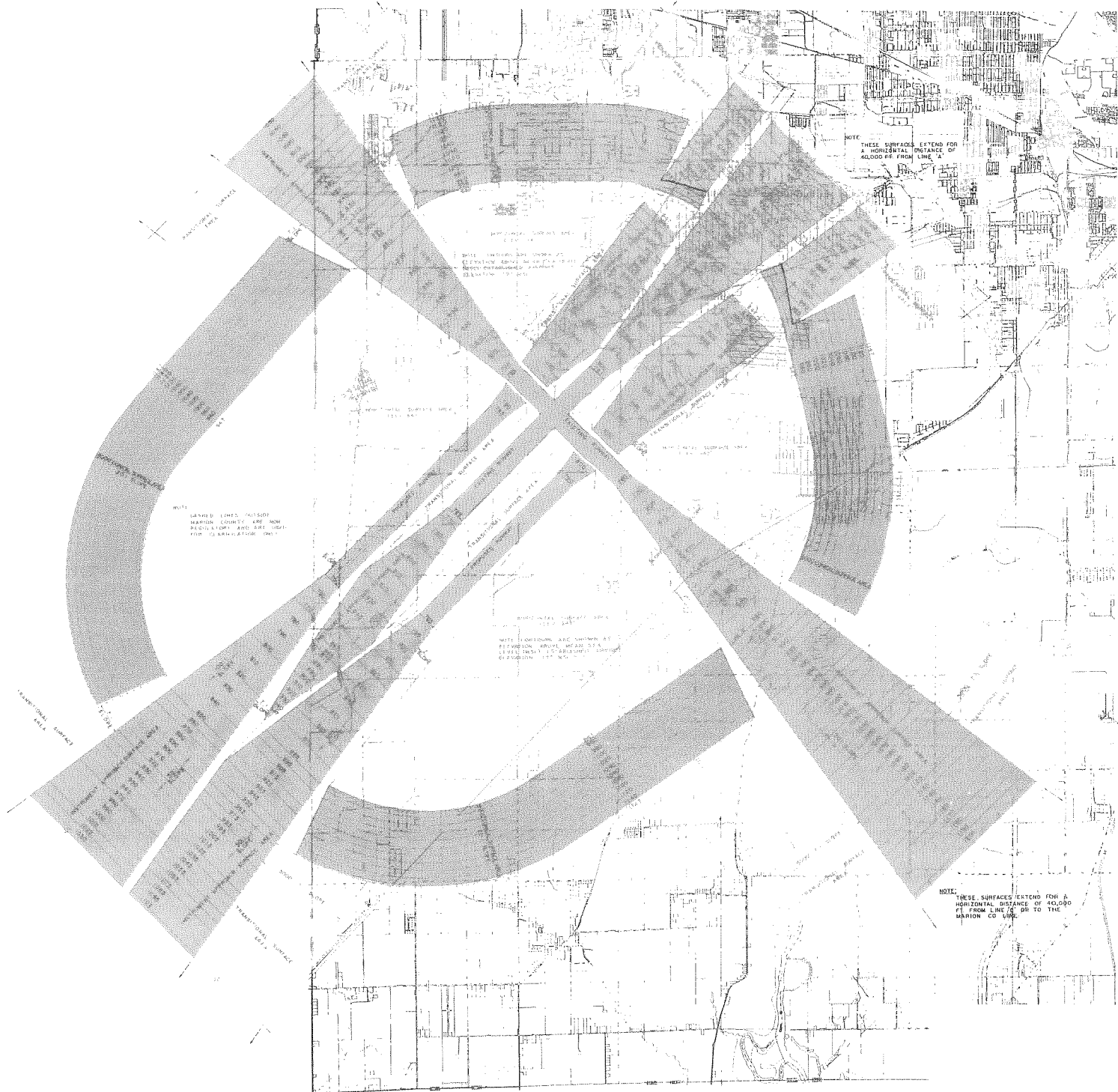
NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after adoption in compliance with I.C. 36-7-4.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

President (or Presiding Officer)

Dated: _____

Attest: _____
(Clerk)

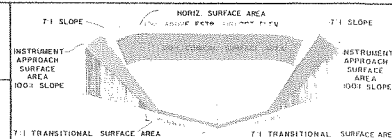


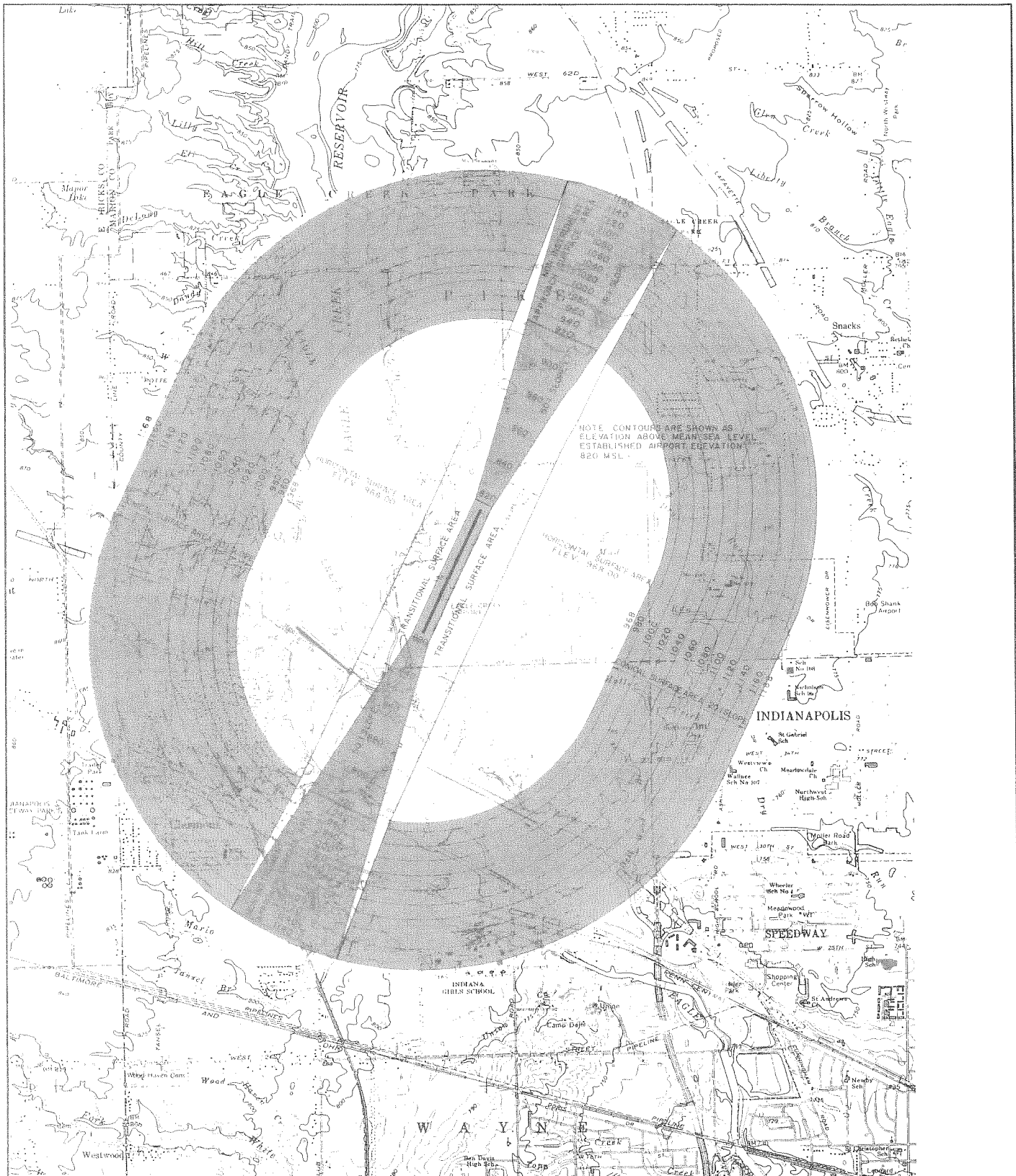
AIRSPACE DISTRICT ZONING MAP: WEIR COOK MUNICIPAL AIRPORT

A PART OF THE AIRSPACE DISTRICT ZONING
ORDINANCE OF MARION COUNTY, INDIANA, 72-AO-1

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING AND ZONING
INDIANAPOLIS-MARION COUNTY, INDIANA

MAP NO. 1



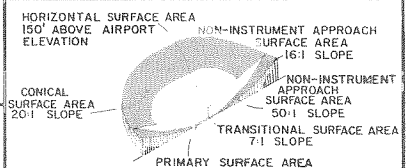


AIRSPACE DISTRICT ZONING MAP: EAGLE CREEK AIRPARK

A PART OF THE AIRSPACE DISTRICT ZONING
ORDINANCE OF MARION COUNTY, INDIANA, 72-AO-1

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING AND ZONING
INDIANAPOLIS-MARION COUNTY, INDIANA

MAP NO.2



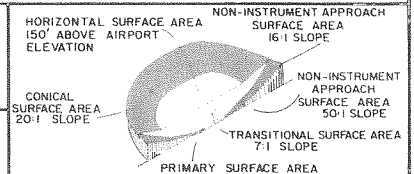


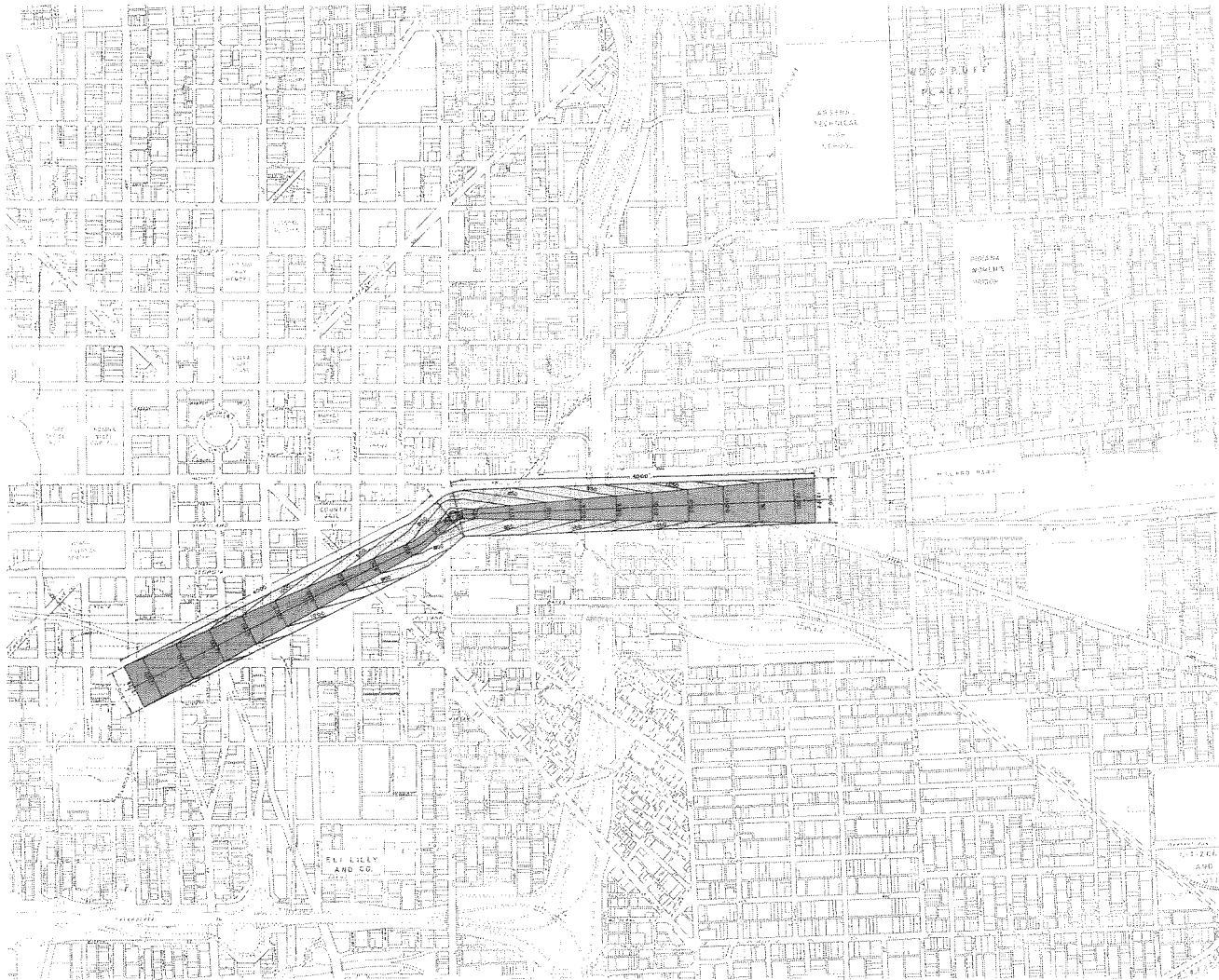
AIRSPACE DISTRICT ZONING MAP: METROPOLITAN AIRPORT

A PART OF THE AIRSPACE DISTRICT ZONING
ORDINANCE OF MARION COUNTY, INDIANA, 72- AO-1

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING AND ZONING
INDIANAPOLIS-MARION COUNTY, INDIANA

MAP NO. 4





AIRSPACE DISTRICT ZONING MAP: DOWNTOWN HELIPORT

A PART OF THE AIRSPACE DISTRICT ZONING
ORDINANCE OF MARION COUNTY, INDIANA, 81-AO-5

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING AND ZONING
INDIANAPOLIS-MARION COUNTY, INDIANA

MAP NO. 5

